REMARKS

Claims 1-6 and 34 are at issue in this application with claims 7-33 withdrawn. Claims 1, 2 and 34 were rejected under 35 U.S.C. §102 as anticipated by Duhon (US Patent Application Publication 2001/0011245). Claim 3 was rejected under 35 U.S.C. §103(a) as unpatentable over Duhon in view of DeFrancesco (US Patent 5,878,403). Claim 4 was rejected under 35 U.S.C. §103(a) as unpatentable over Duhon in view of DeFrancesco and further in view of Mullins (August 1998). Claim 5 was rejected under 35 U.S.C. §103(a) as unpatentable over Duhon in view of Official Notice. Claim 6 was rejected under 35 U.S.C. §103(a) as unpatentable over Duhon in view of Zoffel (US Patent 5,274,547). Applicants respectfully traverse the rejections and request reconsideration and withdrawal of the rejection in view of the amendments the following remarks.

By way of this response, claims 1 and 34 are amended, and claim 35 is added. Support for amendments and the new claim can be found, for example, in paragraphs [0029], [0035], an [0040] of the Specification. No new matter has been added.

Amended claim 1 recites, *inter alia*, "providing a computer program to be installed on a member's accounting system for communicating with the member's accounting system," "obtaining payment history data from a member's accounting system using the installed computer program, including obtaining at least some of the payment history data in a proprietary format," "creating a payment history file that contains the payment history data," "formatting the payment history file into a predetermined format for storage in a system database, including converting the at least some of the payment history data in the proprietary format into the predetermined format," and "loading the payment history file through the Internet to the system database." The method recited in claim 1 therefore enables <u>automatic and standardized **collection** of payment history</u> data, through the Internet, from different members. This is achieved by installing a computer program on a given member's accounting system and then, using the installed program, collecting payment history data from that member's accounting system and formatting the collected payment history data (including data in a proprietary format) into a predetermined standardized format that can be loaded into a common system database.

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Applicants respectfully submit that nothing in Duhon teaches or suggests this feature, and that it would not have been obvious to one or ordinary skill in the art, at the time of the invention in claim 1, to modify Duhon to include this feature. Duhon discloses an on-line consumer credit data reporting system for storing credit data information and presenting (or displaying) the credit data information to on-line users. However, Duhon is generally silent with respect to collecting the credit data information that is stored and displayed, let alone collecting the credit data information through the Internet in any standardized way. The only mention of the data collection process in Duhon is in paragraph [0084], which states that "data is introduced into the system via various media types including but not limited to round reel tape, cartridge tape, floppy diskettes and electronic transmissions." Although the data in Duhon is manipulated and displayed to end-users via the Internet, nowhere in paragraph [0084], or anywhere else in Duhon, is there any suggestion that data can be collected through the Internet. Moreover, nothing in Duhon teaches or suggests that collecting the data involves installing a computer program on any system that serves a source of the data and using the computer program to collect that data and to format that data into any predetermined format, let alone converting any of that data from a proprietary format into the predetermined format. In fact, Duhon does not even teach or suggest any kind of formatting of collected data from a proprietary format into a predetermined format, with or without the use of a computer program installed on the system that serves as the source of the data.

Accordingly, Duhon neither teaches nor suggests "providing a computer program to be installed on a member's accounting system for communicating with the member's accounting system," "obtaining payment history data from a member's accounting system using the installed computer program, including obtaining at least some of the payment history data in a proprietary format," "creating a payment history file that contains the payment history data," "formatting the payment history file into a predetermined format for storage in a system database, including converting the at least some of the payment history data in the proprietary format into the predetermined format," and "loading the payment history file through the Internet to the system database," as required by claim 1.

Furthermore, it would not have been obvious to one or ordinary skill in the art, at the time of the invention in claim 1, to modify Duhon to include the features of claim 1 discussed above. In order to modify Duhon to include data collection through the Internet, there

needed to exist a communication protocol or standard for communicating payment history data in a consistent manner. Applicants submit that no such protocol or standard existed at the time of the invention in claim 1, and neither do any of the references cited by the Examiner disclose or suggest such a protocol or standard. Even if there existed a communication protocol or standard for communicating payment history data in a consistent manner, communicating the payment history data in the manner recited in claim 1, (namely by "providing a computer program to be installed on a member's accounting system for communicating with the member's accounting system," "obtaining payment history data from a member's accounting system, including obtaining at least some of the payment history data in a proprietary format," "creating a payment history file that contains the payment history data," "formatting the payment history file into a predetermined format for storage in a system database, including converting the at least some of the payment history data in the proprietary format into the predetermined format," and "loading the payment history file through the Internet to the system database") would still be patentably distinct.

Moreover, the objective of the invention in Duhon, as suggested in paragraph [0011], is a "system that provides a user with many options and alternatives in ascertaining the credit history of a consumer," and "an improved graphical user interface that provides the credit history information in an efficient and understandable manner." That is, Duhon addresses the issue of _presenting_ data to an end-user. Duhon does not address or even contemplate the issue of _collecting_ data into a system, so there would have been no reason for one of ordinary skill in the art, at the time of the invention of claim 1, to modify Duhon to improve data collection.

Additionally, while much of the functionality of the system in Duhon is performed using the Internet, the only mention of data collection in Duhon in paragraph [0084] states that data is collected by various means other than through the Internet. Therefore, Duhon teaches away from collecting payment history data through the Internet, as recited in claim 1. For at least the reasons above, claim 1 and its dependent claims 2-6 are allowable.

Claim 34 recites features similar to those discussed in reference to claim 1. Accordingly, claim 34 is allowable at least for the same reasons set forth in reference to claim 1.

Conclusion

For the foregoing reasons, the applicants respectfully request reconsideration and allowance of claims 1-6 and 34-35. If there are matters that can be discussed by telephone to further the prosecution of this application, the applicants respectfully request that the examiner call their attorney at the number listed below.

Although the applicants believe that no additional fees or petitions are due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 13-2855 of Marshall, Gerstein & Borun, LLP under Order No. 29804/36569A.

May 20, 2010

Respectfully submitted,

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